

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**DAVID FRAZIER, II, d/b/a
FRAZIER'S PAWN SHOP,**

Petitioner,

v.

**CIVIL ACTION NO.: 3:19-CV-208
(GROH)**

**MICHAEL F. FRONCZAK,
Director of Industry Operations,
Washington Field Division,
Bureau of Alcohol, Tobacco,
Firearms and Explosives,**

Respondent.

**ORDER GRANTING RESPONDENT'S UNOPPOSED
MOTION FOR SUMMARY JUDGMENT**

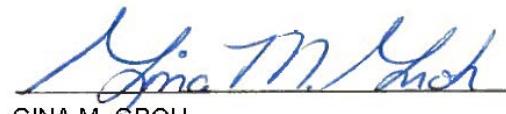
On June 4, 2020, the U.S. Department of Justice filed a Motion for Summary Judgment [ECF No. 11] on behalf of Respondent Michael F. Fronczak, the Director of Industry Operations of the Washington Field Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Therein, the Respondent moves the Court to grant summary judgment in its favor as to the Petition for Judicial Review of Denial of Federal Firearms License [ECF No. 1], filed on December 9, 2019, by Petitioner David Frazier, II. In support, the Respondent states that summary judgment is appropriate because the pleadings and administrative record show that there is no genuine issue of material fact about whether the Respondent had the authority to deny the Petitioner's federal firearms license application. Id. at 10–15; see Fed. R. Civ. P. 56(c);

On June 24, 2020, the Petitioner filed a Response [ECF No. 12]. In his response, the Petitioner states that he agrees that there are no genuine issues in dispute and that he is “not in a position to challenge the law in this case.” Id. at 4. On June 29, 2020, the Respondent filed a Reply to Petitioner’s Response [ECF No. 13], which restates that summary judgment should be granted in the Respondent’s favor.

Upon review and consideration of the Respondent’s Unopposed Motion, the Court finds it appropriate to grant the same. Accordingly, the Respondent’s Unopposed Motion for Summary Judgment is hereby **GRANTED**. ECF No. 11.

The Clerk of Court is **DIRECTED** to enter a separate judgment in favor of the Respondent pursuant to Rule 58 of the Federal Rules of Civil Procedure. The Clerk is further **DIRECTED** that this case shall be **DISMISSED WITH PREJUDICE** and **STRICKEN** from the Court’s active docket.

DATED: December 4, 2020



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE